



**TO:** Planning Committee

**BY:** Head of Development and Building Control

**DATE:** 18<sup>th</sup> November 2025

**DEVELOPMENT:** Permission in Principle for the demolition of existing buildings and erection of up to 9no. single storey dwellings.

**SITE:** Delta, Shoreham Road, Small Dole, Henfield, West Sussex, BN5 9YG

**WARD:** Bramber, Upper Beeding and Woodmancote

**APPLICATION:** DC/25/0849

**APPLICANT:** Name: Mr Nic Bessent Address: C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

By request of Henfield Parish Council.

By request of Councillors Mike Croker and Roger Noel.

**RECOMMENDATION:** To delegate approval, for permission in principle, to the Head of Development and Building Control to consider of any comments from Natural England in response to the Appropriate Assessment.

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

1.2 Permission in Principle is sought for the demolition of the existing dwelling and buildings on the site, and the erection of up to 9x dwellings (net 8x). The submitted illustrative layout indicates two detached single storey dwellings in place of the existing dwelling, which would remain in line with the established building line on the street, a detached single storey dwelling to the rear of the front-most dwellings, a further two detached buildings towards the centre of the site and four detached single storey dwellings to the rear of the site, sited parallel to the northern boundary of the site. Plots 1 and 2 are illustrated to benefit from direct access on to Shoreham Road in a similar location to the existing access,

and the existing access to their north would be utilised for the 7x units towards the centre and rear of the site.

## DESCRIPTION OF THE SITE

1.3 The application relates to an existing dwelling (Delta) and associated land to the rear of the dwelling, to the west of Shoreham Road, Small Dole. The dwelling and its curtilage resides within the defined Built-up Area Boundary of Small Dole, with the wider associated land to the rear located within a countryside location. The rear of the site is currently laid to grass and scrub, with sporadic self-seeded tree clusters. The wider area to the south hosts a fairly uniform pattern of development with large, detached dwellings of varying height and style, with less uniform and more sporadic development to the north. The west of the site remains outside of the Built-up Area, formed of large areas of open fields within planted boundaries.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

2.2 The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

##### **Horsham District Planning Framework (HDPF 2015):**

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 4 - Strategic Policy: Settlement Expansion
- Policy 15 - Strategic Policy: Housing Provision
- Policy 16 - Strategic Policy: Meeting Local Housing Needs
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 28 - Replacement Dwellings and House Extensions in the Countryside
- Policy 30 - Protected Landscapes
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

##### **Henfield Neighbourhood Plan (2021):**

- Policy 1 - A Spatial Plan for the Parish
- Policy 2 - Housing Site Allocations
- Policy 4 - Transport, Access and Car Parking
- Policy 8 - Broadband Infrastructure
- Policy 10 - Green Infrastructure and Biodiversity
- Policy 12 - Design Standards for New Development

## Henfield Parish Design Statement

### **Supplementary Planning Guidance:**

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

WSCC Supplementary Planning Guidance (September 2020) - revised county parking standards and transport contributions methodology

### **Planning Advice Notes:**

Shaping Development in Horsham

Biodiversity and Green Infrastructure

### **2.3 PLANNING HISTORY AND RELEVANT APPLICATIONS**

DC/21/2465	Demolition of existing store/chicken shed. Erection of a single storey dwelling with a detached garage/car port.	Refused 01.04.2022
DC/22/2293	Prior Notification for the change of use of an agricultural building to residential (Class C3) to form 1No. dwellinghouse.	Prior Approval Required and PERMITTED 31.01.2023
DC/23/0449	Prior Notification for change of use of an agricultural building to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Required and REFUSED 04.05.2023
DC/24/1912	Outline Application for the demolition of existing dwelling and erection of 4no self-build dwellings with all matters reserved.	Refused 10.03.2025
DC/24/1913	Outline Application for the demolition of existing buildings and erection of 2no self-build dwellings with all matters reserved.	Refused 10.03.2025
DC/24/1933	Outline application for the erection of 7No self-build dwellings with all matters reserved.	Refused 10.03.2025

### **3. OUTCOME OF CONSULTATIONS**

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk).

3.2 **HDC Arboricultural Officer:** Comment

[Summary] Mature and early mature trees make positive contribution to landscape setting. Impact in terms of extent of viable tree retention and space for mitigation planting, dependent on actual layout.

3.3 **HDC Environmental Health:** Comment

[Summary] See comments from DC/24/1933: No Objection (suggested conditions)

3.4 **HDC Landscape Architect:** Objection

[Summary] While layout details reserved for future consideration, important to recognise existing constraints. Given site location and immediate context, some form of development could be accommodated. However, scale currently proposed is not considered to sit comfortably within the site or landscape and urban setting.

When anticipating requirements for SuDS and easement zones, service runs, access, protection of landscape features and open space provision, concern about capacity to accommodate and integrate 9 dwellings sensitively and successfully within the landscape without appearing out of place or dominant. Further, due to site constraints, unlikely a robust mitigation strategy and landscape framework could be effectively delivered or secured.

Continue to recommend number of dwellings is reduced to allow for a more sympathetic layout, one that is integrated within a landscape and provides a design transition to countryside. Planting will also soften the appearance and retain the verdant character.

3.5 **Natural England:** No Objection

[Summary] Subject to appropriate mitigations being secured.

3.6 **WSCC Highways:** No Objection

[Summary] LHA is limited in its ability to comment on an application for permission in principle. In principle, would not raise any objection to an application at this site, subject to submission of sufficient information at technical details stage.

## PUBLIC CONSULTATIONS

### Representations:

3.7 13 letters of Objection received from 12 separate addresses, on the following grounds:

- Loss of views
- Loss of privacy
- Overdevelopment
- Dangerous access
- The site is not allocated for development
- Questionable water neutrality strategy
- Uncharacteristic development
- Adverse ecological impact
- Proposal does not meet local housing needs
- Insufficient infrastructure in the area
- Increased pollution
- Impact on trees

3.8 4 letters for Support received from 4 separate addresses, on the following grounds:

- Housing needed in the area
- More appropriate use of the site

### Parish Comments:

3.10 **Henfield Parish Council:** Objection

Contrary to following HDPF policies:

- 1 as it is not strategic site in Local Plan
- 2 as it is not nominated site in Neighbourhood Plan
- 4 as site is not allocated in Local Plan or Neighbourhood Plan, and does not adjoin and existing settlement edge
- 10 as does not maintain quality and character of area; does not contribute to diverse and sustainable farming enterprises; or promote recreation
- 25 as does not protect, conserve or enhance landscape or townscape character of the district; or as does not protect, conserve or enhance setting of South Downs National Park
- 26 as site lies outside built-up area boundaries and does not support needs of agriculture or forestry; does not enable extraction of minerals or disposal of waste; or provide for quiet informal recreational use or enable sustainable development of a rural area
- 33.2 as loss of amenity to neighbouring property; or design is not sensitive to surrounding buildings
- 33.3 as scale and massing and appearance is out of keeping and unsympathetic with built surroundings
- 33.4 in that it does not respect character of the surrounding area and buildings

- 40 as not located in an area where there is a choice of local transport; and there is no sustainable transport to the site.

Member Comments:

None

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENT**

**Background:**

6.1 The Permission in Principle consent route is an alternative way of obtaining planning permission for residential development. It separates the consideration of matters of "principle" for the proposed development, from the "technical details" of the development. As such, the Permission in Principle route has two stages: the first being the "Permission in Principle" stage (subject of this current application), which establishes whether the site is suitable in-principle; and the second being the "Technical Details consent" stage which is when the detailed development proposals are assessed.

6.2 The scope of the Permission in Principle application (being the first stage) is limited to location, land use, and amount of development, as explained in Paragraph 012 of the Planning Practice Guidance (PPG) (Permission in Principle):

*'The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.'*

6.3 The PPG 020 (Reference ID: 58-020-20180615) further states that:

*'It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Local planning authorities can inform applicants about what they expect to see at the technical details consent stage.'*

## Location

6.4 The site is located partially within the defined Built-up Area Boundary of Small Dole, which covers (approximately) the front of the site to the rear boundary of plot 3 on the illustrative site plan. Plots 1-3 would be sited in place of the existing dwelling and its rear curtilage. Plots 4 and 5 would be sited in place of existing former agricultural buildings, adjacent to the built-up area boundary, one building of which is subject to a Class Q Prior Approval Consent and a subsequent 'fallback' application to replace the Class Q converted dwelling with a single new dwelling (DC/22/2293 refers). Plots 6-9 would be sited wholly outside of the built-up area boundary, towards the rear of the site.

### Plots 1-3:

6.5 Policies 2 and 3 of the Horsham District Planning Framework (HDPF) state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the Built-up Area Boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised.

6.6 Policy 1 of the Henfield Neighbourhood Plan (HNP) states that development proposals located inside built-up area the defined boundaries will be supported, provided they accord with the other provisions of the development plan for the application site.

6.7 This part of the site is located within the Built-up Area of Small Dole, which is defined in Policy 3 as 'Smaller Village'. These are settlements with limited services, facilities, social networks but with good accessibility to larger settlements (e.g. road or rail) or settlements with some employment but limited services facilities or accessibility. Residents are reliant on larger settlements to access most of their requirements.

6.8 Given the location of the three dwellings (plots 1-3) being wholly sited within the Built-up Area Boundary of Small Dole, the principle of development of these three dwellings is considered acceptable.

### Plots 4-9:

6.9 Policy 1 of the HNP states that development proposals outside of Built-up Area Boundaries will be supported where they conform, as appropriate to their location in the neighbourhood area, to national, HDPF and South Downs Local Plan policies in respect of development in the countryside.

6.10 Plots 4-9 are located on an unallocated site outside of the Built-up Area Boundary (save for the access) and are not considered to be essential to this countryside location. The proposals would therefore conflict with Policies 2, 4 (Settlement Expansion) and 26 of the HDPF. The principle of housing in the countryside location does not therefore conform to Horsham's adopted development plan for the application site (comprising in this case the HDPF and the Henfield Neighbourhood Plan) and as a result, residential development in this location is not considered to be acceptable in principle.

6.11 The principle of this part of the proposed development is therefore contrary to Policies 2, 4 and 26 of the HDPF and Policy 1 of the HNP (2021). The appropriate degree of weight to be assigned to conflict with these policies is detailed further below.

6.12 The Shaping Development in Horsham (SD) document was endorsed at Full Council on 17<sup>th</sup> September 2025. The SD recognises that the Council is likely to receive applications outside of defined Built Up Area Boundaries and on unallocated sites (such as this proposal) as it is unable to demonstrate a five-year housing land supply. Given this position

and the principles behind HDPF Policy 4, the SD states that the Council will consider positively applications that meet all of the criteria:

- The site adjoins the existing settlement edge as defined by the BUAB;
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

6.13 In respect of plots 4-5: though this section of the site remains outside of the Built-up Area Boundary, the dwellings would be sited in place of the existing larger chicken shed which is subject to a Class Q prior approval to form one dwelling (DC/22/2293 refers). The applicant has discharged their obligations under Section 77 of the Conservation of Habitats and Species Regulations 2017 (HRA/23/0011) by demonstrating water neutrality, thus this Class Q Prior Approval can be implemented. Therefore, one of the dwellings located within this position on the site would represent a viable fallback in the alternative to the consented Class Q permission (however, Officers note that this Class Q consent must be completed no later than 31.01.2026 - after which the consent would no longer remain extant).

6.14 The remaining plots (6-9) would form part of the main site, though set at a greater distance from the boundary to the Built-up Area but still adjacent to it. In any case, given the entire wider site is located adjacent to the Built-up Area Boundary, this part of the site would also benefit from the provisions of the SD (notwithstanding material planning considerations as discussed below).

6.15 Given the scale of the proposal in relation to Small Dole, the level of proposed growth can be seen as proportionate and appropriate. Future occupiers would be within acceptable walking distance (some 0.8 kilometres) of Small Dole's services and facilities (post office and shop) and bus stops closer still for onward journeys to larger settlements. Crucially, the Council is unable to demonstrate a five-year housing land supply, and this development would make a meaningful contribution towards meeting a local housing need. At the same time, the land does not sit within or alongside any allocations in the adopted local plan, neighbourhood plan, or emerging plan. As such, bringing this site forward would not undermine or prejudice long-term strategic development. Notwithstanding development further to the rear of site (plots 6-9) the proposal also benefits from physical containment: it would be enclosed within existing field boundaries, while a larger open area to the south would be retained. This ensures the development remains within a defensible edge to the settlement, notwithstanding any landscape impact. Taken together, these factors support the view that the site is both sustainable and appropriate, and as such the proposal would benefit from the provisions of the SD outlined above.

### **Land Use**

6.16 The application relates to the demolition of an existing dwelling (within the Built-up Area) and associated former agricultural buildings to the rear of the site (outside of the Built-up Area). The applicant and submission documents detail that the proposed dwellings would be 'self-build' market dwellings.

6.17 As outlined above, part of the development (relating to plots 1-3) would be within the built-up area boundary, and therefore acceptable in principle. The remaining dwellings would be located outside of though adjacent to the built-up area. Therefore, the development does represent a partial conflict with local plan policies, such as HDPF Policies 4 and 26. However, as outlined above, the site would benefit from the provisions of the SD in light of

the Council being unable to demonstrate a five-year housing land supply, thus the location of the site is considered acceptable on balance.

6.18 Notwithstanding this, the development contained within the Built-up Area would represent an intensification of an existing residential use within an established semi-rural residential area. Given the existing use of the land for this portion of the site, the development of 3x dwellings in place of the existing would be considered acceptable. The remaining 6x units would be located on former agricultural land, a location considered partially acceptable. Though the siting of this level of dwellings would intensify a residential presence within a semi-rural location, this would be contained within a defensible boundary. Furthermore, the need for housing would further balance the land use being acceptable in favour of the application.

6.19 As such, the proposed use of the land is considered acceptable in principle.

### **Amount of Development**

6.20 HDPF Policies 25, 32, and 33 promote development that protects, conserves, and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

6.21 The submitted planning application indicates a minimum development of 5x dwellings (net 4x), and a maximum of 9x dwellings (net 8x). The indicative site plan does not clearly demarcate where a split between 5x and 9x dwellings would take place. As such, commentary of the minimum and maximum development is considered as such:

#### 'Minimum' Development (5x dwellings, net 4x)

6.22 As above, the site is sited partially located within the Built-up Area Boundary, with the boundary within the planted area between plots 3 and 4-5. Plots 1-3 are within the Built-up Area Boundary; thus their establishment would be acceptable in principle. Plots 4-5 would be sited in place of the existing chicken shed which is subject to a Class Q prior approval- though the consent was only for one dwelling, this section of the site (being directly adjacent to the built-up area boundary) would be SD compliant.

6.23 Given the above, the development within this general area (between plots 1-5) would be considered acceptable in principle, and the indicative layout does demonstrate (subject to detailed design considerations) that this portion of the site can accommodate 5 dwellings. Furthermore, the submitted statement indicates that the development of all plots would be single storey in height, seemingly to overcome previous concerns raised with regards to the impact of the development to this rural-fringe setting. Provided that development is confined to this area only, Officers are of the view that the principle of the development of 5x dwellings would be acceptable, and subject to the buildings being one storey in height, would be capable of being acceptable at the technical details stage.

#### 'Maximum' Development (9x dwellings, net 8x)

6.24 In addition to the 5x dwellings towards the front of the site, 4x further dwellings are proposed to the rear. Plots 6-9 are located wholly outside of the Built-up Area Boundary, though the wider site as a whole is located adjacent to the boundary. Accordingly, dwellings in this location would be technically compliant with the SD.

6.25 Previous proposals on the site (DC/24/1933 for 7x dwelling and DC/24/1913 for 2x dwellings) in this location (set away from the Built-up Boundary) were considered unacceptable owing to their suburbanising impact and sprawl into the countryside. Officers remain of the view that development in this location would result in the same outcome, thereby not demonstrating that the subsequent technical details stage could be satisfied. As such, a proposal for 9x dwellings would not be an appropriate amount of development for this site.

### Summary

6.26 As above, Officers are satisfied that the site is capable of accommodating 5x (4x net) single storey dwellings as the *minimum* proposed development, and that 9x (8x net) dwellings would be unacceptable. However, that is not to say that 5x dwellings on the wider site as whole (as indicated within the wider red line) would be acceptable. As set out above, the rear of the site remains detached from the built-up area, thus development in this location would be inappropriate. Though 5x dwellings are considered acceptable, this should only be accommodated on the site within and directly adjacent to the built-up area (i.e., in the location of plots 1-5 on the indicative site plan *only*). An informative is attached (detailed below) to clearly set out the Council's expectations in any forthcoming technical details application to inform the second stage of the permission in principle process.

### **Water Neutrality**

6.27 A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

6.28 On 31<sup>st</sup> October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

6.29 To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline.

6.30 Based on the 5 dwellings that officers consider acceptable as explained above, the development would be expected to consume some 1,401.4 litres of mains water per day. This is calculated by multiplying the Building Regulations Part G Optional Technical Standard consumption rate of 110 litres per person per day (the required standard under Policy 37 of the HDPF) by an occupancy rate of 12.74 persons using average occupancy Census data for the 4x three-bed dwellings and 1x four-bed dwelling.

6.31 Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated mains water consumption from this development, alongside all other development granted since the 31<sup>st</sup> October 2025, will not exceed 3,240,000 litres per day. Natural England have been consulted on this Appropriate Assessment and at the time of

writing have not responded. The committee will be updated in due course, however given Natural England's withdrawal statement of 31<sup>st</sup> October 2025, any objection is considered highly unlikely.

6.32 Paragraph 005 (Reference ID: 58-005-20190315) PPG states that: '*If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affect the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.*'.

6.33 Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with s.70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

### **Biodiversity Net Gain (BNG)**

6.34 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.35 The Applicant has set out that the development is exempt from the requirement to achieve a minimum 10% BNG as 'self-build or custom housing' is exempt under Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. This report does not seek to corroborate this exemption, as it is a matter for Technical Details stage to address.

### **Other Matters**

6.36 The matters of scale, design, layout, and access for the proposed development are reserved for consideration under the subsequent "Technical Details" application.

### **Conclusions and Planning Balance:**

6.37 The proposed development comprises a development with a minimum of 5x dwellings and a maximum of 9x. Plots 1 to 3 are located within the Built-up Area Boundary of Small Dole and are considered acceptable in principle under local planning policies. Plots 4 and 5 lie just outside the Boundary but are adjacent to it. One of these plots benefits from fallback development rights under Class Q Prior Approval, whereas the other would represent a minor intensification of development, infilling between the consented scheme and the Built-up Area. These two plots (4 and 5) are deemed acceptable under the Shaping Development in Horsham (SD) policy. Although plots 6-9 are located further from the Built-up Area, the site remains adjacent to it thus would benefit from the provisions of the SD in principle (notwithstanding comments in relation to the landscape and character impact of the siting of dwellings in this location).

6.38 The proposed land use involves the demolition of an existing dwelling and agricultural buildings to make way for self-build market homes. Development within or adjacent to the Built-up Area is generally acceptable, particularly where it addresses local housing needs and is contained within defensible boundaries. However, development beyond this area raises concerns.

6.39 Two development scenarios were considered. The minimum scheme proposes five dwellings, resulting in a net gain of four homes. This scenario is deemed acceptable, provided the dwellings are single-storey and confined to plots 1 through 5. The maximum scheme proposes nine dwellings, with a net gain of eight homes. This level of development is considered unacceptable due to its scale and the inclusion of plots that are sited further from the built-up area and resultant landscape / character harm.

6.40 It has been suitably demonstrated through appropriate assessment that water neutrality will be achieved for this development.

6.41 In conclusion, the site is considered suitable for up to 5x single-storey dwellings located within or adjacent to the built-up area boundary. Development of plots 6 to 9 is not supported under current planning policies. Final approval will depend on the details submitted at the technical consent stage.

6.42 As Government instructs decision-makers in the Planning Practice Guidance, it is not possible to condition or obligate against a permission in principle planning application. Therefore, informatics are detailed below as to what would be acceptable for the Technical Details stage, setting out the Council's expectations for any future submissions.

## 7. RECOMMENDATIONS

7.1 To delegate approval, for permission in principle, to the Head of Development and Building Control to consider of any comments from Natural England in response to the Appropriate Assessment., and with the following informatics attached to the decision notice:

### **Note to Applicant – The Amount of Development**

The applicant is advised that whilst permission in principle is granted, this decision is based solely on the proposed minimum amount of development (5x dwellings / 4x net dwellings) being considered acceptable. In order to ensure that the subsequent technical details application is successful, the applicant is advised that any future proposal should be made in accordance with the proposed minimum amount of development (5x dwellings / 4x net dwellings), and should be located within the red line as indicated on the plan below:



### **Note to Applicant – Biodiversity Net Gain Condition**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);
2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);
4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

In addition, the Biodiversity Gain Plan Condition does not apply to applications for major development made before 12 February 2024, or non-major development made before 2 April 2024.

**Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.**

#### *Statutory exemptions and transitional arrangements*

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>

#### *Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.